

Environmental Defense Institute

P.O. Box 220 Troy, Idaho 83871-0220 Phone 208-835-6152 / Fax *51

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Draft Comments on the Advanced Mixed Waste Treatment Facility Environmental Impact Statement

Submitted by Chuck Broschius
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AMWTP OFFICE

The Advanced Mixed Waste Treatment Project (AMWTP) Environmental Impact Statement (EIS) ¹ represents a fundamental flaw in the Department of Energy's radioactive waste management priority setting process. The Draft EIS states that the new treatment plant for transuranic (TRU) waste will focus first on the 65,000 cubic meters of **stored** waste currently in buildings at the Radioactive Waste Management Complex (RWMC). However, the most immediate hazard the TRU and Alpha low-level waste **buried** in shallow pits and trenches at the RWMC because the contaminants are migrating into the underlying Snake River Plain Aquifer. This most vulnerable **buried** waste is not mentioned in the EIS much less prioritized for cleanup. DOE's Integrated Data Base Report puts the INEEL buried waste at 57,100 cubic meters. ² The EIS states AMWTP "could also treat an additional 120,00 cubic meters of waste from INEEL and *other DOE sites.*" Absent definitive commitment to exhumate the buried waste (which would require considerable resource allocation), one must assume 120,000 cubic meters will be primarily imported waste.

The now famous Lockheed-Martin privatized Pit-9 waste retrieval demonstration project at the RWMC has been completely canceled and the parties are filing reciprocal law suits which likely will take years to resolve. Beyond the Pit-9 project there has never been a DOE commitment to exhumate all the **buried** radioactive waste and ship it to an off-site permanent repository. Idaho Governor Phil Batt arrogantly refused to allow the Environmental Defense Institute (EDI) to file an Amicus Curiae Brief (friend of the court) in the 1995 litigation between the State and DOE that stipulated the disposition of the INEEL radioactive waste. EDI's Amicus Brief identified deficiencies in the proposed agreement related to the buried waste exclusion that the court and the public needed for an informed decision. The U. S. Federal Court accepted the Settlement Agreement in 1995.

The State Agreement only mandates the off-site disposal of 65,000 cubic meters ³ of Transuranic (TRU) waste at INEEL. The State and DOE are quick to say that the **buried** TRU waste is covered by the Federal Facility Agreement/ Consent Order (FFA/CO). This is true, however, the FFA/CO only specifies that the burial grounds will be evaluated for remediation. There is nothing in the FFA/CO that requires that the buried waste be exhumed and shipped to a repository, despite the fact that it is the **buried** waste that is contaminating the soil and groundwater. Recent Superfund

¹ U.S. Department of Energy Idaho National Engineering and Environmental Laboratory Advanced Mixed Waste Treatment Project Draft Environmental Impact Statement, July 1998, DOE/EIS-0290-D

² Integrated Data Base Report 1994: U.S. Spent Nuclear Fuel and Radioactive Waste Inventories, Projections, and Characteristics, September 1995, DOE/RW-0006, Rev. 11, page 19

³ Public Service Co. of Colorado v. Batt (Civil No. 91-0035-S-EJL [D.Idaho Oct. 17, 1995] [Consent Order]), page 2.